IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

WP(C).No. 17672 of 2004(D)

PETITIONER:

PETER THOMAS P. S/O. PICHAMUTHU
AGED 53, JUNIOR SUPERINTENDENT, DISTRICT POLICE OFFICE, PALAKKAD.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS:

1. **STATE OF KERALA, REP.BY SECRETARY TO GOVERNMENT, DEPT.OF HOME, GOVT.SECRETARIAT, TRIVANDRUM.**
2. **THE DIRECTOR GENERAL OF POLICE, KERALA, POLICE HEADQUARTERS, THIRUVANANTHAPURAM.**
3. **THE SUPERINTENDENT OF POLICE, PALAKKAD.**

BY GOVERNMENT PLEADER SRI. MANOJKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 17672/2004 D

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE RELEVANT PAGE OF THE SSLC CERTIFICATE.

EXT.P2. COPY OF THE GO DT. 07/07/1963.

EXT.P3. COPY OF THE CIRCULAR NO. 59625/N1/85/GAD DT. 14/1/1986.

EXT.P4. COPY OF THE RELEVANT PAGES OF THE PAMPHLET.

EXT.P5. COPY OF THE REPRESENTATION ON 21/06/2003 BEFORE THE R2.

EXT.P6. COPY OF THE RELEVANT PORTION OF THE FINALISED SENIORITY LIST OF JUNIOR SUPERINTENDENT AS ON 1/1/2003 FORWARDED BY THE R2.

EXT.P7. COPY OF THE JUDGMENT DT. 27/2/2004 BY THIS COURT IN WPC NO. 6909/04.

EXT.P8. COPY OF THE ORDER NO. A5. 28963/04 DT. 26/4/04 BY THE R2.

True copy

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KURIAN JOSEPH J.

W.P.(C) No.17672 of 2004

Dated 4th July, 2007.

J U D G M E N T

Petitioner is aggrieved since he is denied out of turn promotion. His claim is rested on Ext.P2 Government Order and Ext.P3 circular. It is seen that the petitioner has retired from service. The impugned order is passed by the Director General of Police. Inviting reference to several precedents, it is submitted that the petitioner is entitled to succeed. It is stated in the counter affidavit itself that the precedents pertained to implementation of the directions issued by this Court. If that be so, there is no point in discriminating the petitioner, if he is similarly situated as those referred to in the counter affidavit, who have admittedly been given promotion. Since the petitioner has retired from service, the matter will have to be considered by the Government. In the event of the petitioner approaching the Government within two months from today, the matter will be duly considered and appropriate action in accordance with law with notice to the petitioner will be taken by the Government within another four months.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO. OF 200

J U D G M E N T

Dated 4th July, 2007.